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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,442	11/02/2000	Klaus Hofrichter	20381-19 (50P3910)	7693

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 10/24/2003

*Handwritten number 4*

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/705,442

Applicant(s)

HOFRICHTER ET AL.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,526,581 to Edson in view of U.S. Patent 6,470,378-B1 to Tracton and U.S. Patent 6,169,725-B1 to Gibbs.

Regarding claims 1-3, and 8, Edson discloses in Figure 1, a home network 11 with gateway 13 which manages connections via external interfaces CATV 17, X-Link 19, and ADSL 15, devices may communicate through one another via a LAN or twisted pair connections 21, a user may download a new application or software patches to be run on the gateway (column 5, line 27-column 6, line 9, column line 58-column 9, line 51, column 9, lines 15-44 column 10, lines 36-63, column 11, lines 20-65, column 12, lines 21-67). Edson does not disclose determining device ID information, providing a configuration profile to a server via the Internet. Tracton discloses a system in which a client machine 102, builds a profile which includes processor speed, memory, data storage size, and network speed and sends this profile to a server in order to receive a network application (differently formatted MPEG streams) based upon its profile (column 3, line 66-column 4, line 14, line 33-column 8, line 39). Gibbs discloses a HAVI network which reads a GUID, a 40 bit serial number assigned by a device manufacturer

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to each device, every time a new device is connected, the id information is read in order to route future commands to the device (column 11, line 21-column 12, line 22).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Edson to include the profile information of Tracton and HAVI network of Gibbs in order to tailor the application data to the configuration of the home network.

Regarding claim 4, Edson discloses a home network. Edson/Tracton/Gibbs do not disclose a network, which includes a use history as part of a profile. The examiner takes official notice that including use information in a profile, such as viewing habits/web-browsing information, is well known in the art. Therefore it would have been obvious to one skilled in the art at the time of invention to modify Edson, Tracton and Gibbs to include a use history as part of the profile in order to customize the applications delivered to the end user.

Regarding claims 5-7, Tracton discloses a system in which a client machine 102, builds a profile which includes processor speed, memory, data storage size, and network speed and sends this profile to a server in order to receive a network application (differently formatted MPEG streams) based upon its profile (column 3, line 66-column 4, line 14, line 33-column 8, line 39).

Regarding claims 9 and 35- 36, Gibbs discloses a HAVI network which reads a GUID, a 40 bit serial number assigned by a device manufacturer to each device, every time a new device is connected, the id information is read in order to route future commands to the device (column 11, line 21-column 12, line 22). Edson, Tracton and Gibbs do not disclose receiving vendor and model information of a network device. The

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examiner takes official notice that receiving vendor information from a device is well known in the art, for example a device connected to a windows PC via a USB port or a PC peripheral in the Windows device manager. Therefore it would have been obvious to one skilled in the art at the time of invention to modify Gibbs, Tracton and Edson to identify the manufacturer and model of each device in order to allow a user to select the proper device within a network.

Regarding claims 10-11 and 37, Traction discloses transmitting client ID information and performing a search to match up an application which will be displayed appropriately based upon the clients characteristics (column 3, line 66-column 4, line 14, line 33-column 8, line 39).

Regarding claims 12-14, Edson discloses a gateway 13 with CPU 105, which may execute an IP telephony application through the internet (column 9, lines 15-33). Edson's IP telephony application inherently controls AV devices, as the Gateway 13 would have to control either the ADSL modem, XLINX or DSL interface in order to transmit data associated with the IP telephony device to the Internet.

Regarding claims 15 and 28, Edson discloses in Figure 1, a home network 11 with gateway 13 which manages connections via external interfaces CATV 17, X-Link 19, and ADSL 15, devices may communicate through one another via a LAN or twisted pair connections 21, a user may download a new application or software patches to be run on the gateway (column 5, line 27-column 6, line 9, column line 58-column 9, line 51, column 9, lines 15-44 column 10, lines 36-63, column 11, lines 20-65, column 12, lines 21-67). Edson does not disclose determining device ID information, providing a

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configuration profile to a server via the Internet. Tracton discloses a system in which a client machine 102, builds a profile which includes processor speed, memory, data storage size, and network speed and sends this profile to a server in order to receive a network application (differently formatted MPEG streams) based upon its profile (column 3, line 66-column 4, line 14, line 33-column 8, line 39). Gibbs discloses a HAVI network which reads a GUID, a 40 bit serial number assigned by a device manufacturer to each device, every time a new device is connected, the id information is read in order to route future commands to the device (column 11, line 21-column 12, line 22).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Edson to include the profile information of Tracton and HAVI network of Gibbs in order to tailor the application data to the configuration of the home network.

Regarding claim 16, Gibbs discloses a HAVI network which reads a GUID, a 40 bit serial number assigned by a device manufacturer to each device, every time a new device is connected, the id information is read in order to route future commands to the device (column 11, line 21-column 12, line 22). Edson, Tracton and Gibbs do not disclose receiving vendor and model information of a network device. The examiner takes official notice that receiving vendor information from a device is well known in the art, for example a device connected to a windows PC via a USB port or a PC peripheral in the Windows device manager. Therefore it would have been obvious to one skilled in the art at the time of invention to modify Gibbs, Tracton and Edson to identify the manufacturer and model of each device in order to allow a user to select the proper device within a network.

Regarding claim 17, Gibbs discloses a HAVI network which reads a GUID, a 40 bit serial number assigned by a device manufacturer to each device, every time a new device is connected, the id information is read in order to route future commands to the device (column 11, line 21-column 12, line 22).

Regarding claims 18, 21, 22, 27, 29, and 32-34, Tracton discloses a system in which a client machine 102, builds a profile which includes processor speed, memory, data storage size, and network speed and sends this profile to a server in order to receive a network application (differently formatted MPEG streams) based upon its profile (column 3, line 66-column 4, line 14, line 33-column 8, line 39).

Regarding claims 19, 20, 30 and 31, Edson discloses a home network. Edson/Tracton/Gibbs do not disclose a network that includes a use history as part of a profile. The examiner takes official notice that including use information in a profile, such as viewing habits/web-browsing information, is well known in the art. Therefore it would have been obvious to one skilled in the art at the time of invention to modify Edson, Tracton and Gibbs to include a use history as part of the profile in order to customize the applications delivered to the end user.

Regarding claim 23, Tracton discloses a system in which a client machine 102, builds a profile which includes processor speed, memory, data storage size, and network speed and sends this profile to a server in order to receive a network application (differently formatted MPEG streams) based upon its profile (column 3, line 66-column 4, line 14, line 33-column 8, line 39). Edson/Tracton/Gibbs do not disclose profile information including security and decryption capabilities. The examiner takes

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official notice that transmitting data about security capabilities is well known in the art. Therefore it would have been obvious to one skilled in the art at the time of invention to modify Edson/Tracton/Gibbs to include transmitting security information in order to allow for the proper level of encryption to be preformed on a data transfer.

Regarding claims 24-26, Edson discloses a gateway 13 with CPU 105, which may execute an IP telephony application through the internet (column 9, lines 15-33). Edson's IP telephony application inherently controls AV devices, as the Gateway 13 would have to control either the ADSL modem, XLINX or DSL interface in order to transmit data associated with the IP telephony device to the Internet.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,219,839-B1 to Sampsell: On Screen Electronic Resources Guide.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

HBL



ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600